

# SIKKIM



## GOVERNMENT

## GAZETTE

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**GOVERNMENT OF SIKKIM  
MOTOR VEHICLES DIVISION, TRANSPORT DEPARTMENT  
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**No. GOS/MVD/T/18-19/147**

**Dated: 29/01/2019**

### NOTIFICATION

The draft of certain rules which the State Government proposes to make in exercise of the powers conferred by sections 28, 38, 65, 95, 96, 107, 111, 138 and 176 of the Motor Vehicles Act, 1988 (59 of 1988) is hereby published as required by section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules would be taken into consideration after the expiry of 30 (thirty) days from the date on which the draft rules is published in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified shall be considered by the State Government.

### THE SIKKIM MOTOR VEHICLES (AMENDMENT) RULES, 2019

*Short title, extent  
and  
commencement*

1. (1) These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 2019.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

*Substitution of rule  
264*

2. In the Sikkim Motor Vehicles Rules, 1991, for the existing rule 264 and the entries relating thereto, the following shall be substituted, namely:-  
264- Enforcement of award of Claims Tribunal:-

- (1) Prohibition against release of Motor Vehicles involved in accidents:-

- (a) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of registered owner or when the registered owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the court to pay compensation that may be awarded in a claim case arising out of such accidents.
- (b) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when registered owner of the motor vehicle fails to furnish copy of such policy in circumstances as mentioned in clause (a), the motor vehicle shall be sold off in public auction by the magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating Police officer, and the proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may be have been awarded, or may be awarded in claim case arising out of such accident.
- (2) Subject to the provision of section 174, the Claims Tribunal shall, for the purpose of enforcement of its award, have all the power of a civil court in the execution of a decree under the Code of Civil Procedure, 1908, as if the award were a decree for the payment of money passed by such court in Civil Suit".

**S.D. Dhakal, SCS**  
**Secretary to the Government of Sikkim**  
**Transport Department**